

**BOARD OF NURSING  
MINUTES  
November 10, 2005**

**PRESENT:** Jacqueline Johnsrud, Marilyn Kaufmann, June Bahr, Terri Garcia, Peggy Heine, Blaine Ropson, Kathleen Sullivan, Margaret Wood, Gretchen Lowe

**EXCUSED:** Marie Kohlbeck

**STAFF PRESENT:** Kimberly Nania, Director of Health Service Professions; Colleen Baird, Legal Counsel; Gina York, Bureau Assistant, and other DRL staff

**GUESTS:** Judy Warmuth, WHA; John Buonora, WANA; Jeremy Levin, WI Medical Society; Lynn Myers, Self; Gina Dennik-Champion, WNA; Jeff Renier, WANA

**CALL TO ORDER**

Jacqueline Johnsrud called the meeting to order at 9:04 a.m. A quorum of nine members was present for today's meeting. Marie Kohlbeck has resigned and Gretchen Lowe is her replacement and is a voting member.

**APPROVAL OF AGENDA**

**Additions to the Agenda:**

- Open Session: Under Presentation of Proposed Stipulation Received After the Mailing of the Agenda – Add names: Kim M. Niklasch, LPN; Jill A. Dawson, RN; Andrew J. Dinkins, LPN; Terry I. Hensel, RN; Alice Ruth Kapanke, RN
- Open Session: After Item D. – Add Discussion and Review ACNM Testimony on AB 709
- Open Session: Under Informational Items – Add Notice of Prehearing Conference on November 11, 2005 Regarding WI Society of Anesthesiologists
- Closed Session: Under Monitoring Items I. and K. – Additional Information Submitted.
- Closed Session: Under Deliberation of Monitoring Received After the Mailing of the Agenda – Add Names: Margaret Crain, Denise Gaudet, Mary Kucaba, Ellen Laluzerne, Kristine Kohlmann, Deanna Matis
- Closed Session: Under Deliberation of Proposed Stipulation Received After the Mailing of the Agenda – Add names: Kim M. Niklasch, LPN; Jill A. Dawson, RN; Andrew J. Dinkins, LPN; Terry I. Hensel, RN; Alice Ruth Kapanke, RN

**MOTION:** June Bahr moved, seconded by Marilyn Kaufmann, to approve the agenda of November 10, 2005 as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF OCTOBER 6, 2005**

**Amendments to the Minutes:**

None.

**MOTION:** Marilyn Kaufmann moved, seconded by Terrie Garcia, to approve the October 6, 2005 minutes as written.  
Motion carried unanimously.

**ADMINISTRATIVE REPORT**

Secretary Celia Jackson stopped in at the Board of Nursing meeting today and welcomed the Board to the new DRL office space and board rooms. The Department is still working out some of the bugs and asked that you bear with us. Kimberly Nania, Division Administrator of Board Services, asked board members to please speak a little louder during today's meeting, as it is difficult sometimes to hear in the new board rooms as this time. This issue is being addressed by the Department.

**PRESENTATION OF PROPOSED STIPULATIONS:**

There were four proposed stipulations before the Board at today's meeting. They were regarding the following individuals: Donna Kubicki, RN (04 NUR 188); Edita D. Tubonganua, RN (02 NUR 129); Mary E. Wrobel, RN (02 NUR 307); Rita M. Zani, RN (05 NUR 037)

**PRESENTATION OF PROPOSED STIPULATIONS RECEIVED AFTER THE MAILING OF THE AGENDA**

There were five proposed stipulation received after the mailing of the agenda before the Board at today's meeting regarding Kim M. Niklasch, LPN; Jill A. Dawson, RN, Andrew J. Dinkins, LPN, Terry L. Hensel, RN, and Alice Ruth Kapanke, RN.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES**

The Board reviewed the summary reports with Colleen Baird, Legal Counsel, at today's meeting. Attorney Baird was available to the Board for questions and clarification if needed.

**DISCUSS AND REVIEW REVISIONS TO ADMINISTRATIVE RULES RELATING TO QUALIFICATIONS FOR EXAMINATIONS AND APPLICATION PROCEDURES, TEMPORARY PERMITS, AND REFRESHER COURSES FOR LICENSURE BY ENDORSEMENT**

The Section reviewed and discussed this legislation at today's meeting and took the following action.

**MOTION:** Marilyn Kaufmann moved, seconded by Terrie Garcia, to approve the proposed administrative rules regarding qualifications for examinations and application procedures, temporary permits and refresher courses for licensure by endorsement and to forward these rules in the rule making process. Motion carried unanimously.

### **CORRESPONDENCE TO THE BOARD OF NURSING REGARDING CRNA'S**

The Board discussed the correspondence regarding CRNA's at today's meeting. No action was necessary by the Board at this time.

### **DISCUSS AND REVIEW APNP LEGISLATION LRB 0832/3**

The Board discussed the APNP Legislation information provided at today's meeting. Gina Dennik-Champion shared with the Board that this legislation has now been given the following identification it is now AB 683 and Senate bill 384. There is a scheduled hearing set for November 22, 2005.

### **DISCUSS AND REVIEW ACNM TESTIMONY ON AB 709**

The Board reviewed and discussed the public hearing comments and ACNM testimony regarding AB 709 relating to Midwives. The Board looked at various scenarios involving midwives and the access to affordable healthcare. These individuals are not a licensed profession and this rule would only provide a list of individuals as midwives. It does not provide any other purpose. Therefore, the Board is not in support of this legislation and feels it does not protect the public. The Board also discussed designating someone, as a representative on behalf of the Board, in case urgent issues arise that need an immediate response. After some discussion, the Board took the following actions.

**MOTION:** Marilyn Kaufmann moved, seconded by Kathleen Sullivan, that the Board has taken a position in opposition to AB 709, statutory requirements for midwives. Motion carried unanimously.

**MOTION:** Gretchen Lowe moved, seconded by Marilyn Kaufmann, to designate the Board Chair or Vice Chair as the representatives to be contacted when issues arise which need an immediate response. Motion carried unanimously.

### **INFORMATIONAL ITEMS**

The Board noted all informational items. The Board did discuss one item in more detail and that was the notice of a prehearing conference scheduled for November 11, 2005 regarding the Wisconsin Society of Anesthesiologists. Those attending the hearing will be Colleen Baird, Legal Counsel, Kimberly Nania, Division Administrator of Board Services, and Kathleen Sullivan. This prehearing is a legal briefing session only. The Board shared with Attorney Baird and Dr. Nania that the Board of Nursing would like to give testimony at the formal hearing on this issue and wishes to be notified when a date is set.

## **REPORT WI NURSING REDESIGN CONSORTIUM**

Marilyn Kaufmann updated the Board on various activities and a handout was provided informing the Board of the new policy and guidelines set by the Nursing Coalition. Gina Dennik-Champion, WNA, shared that there is now a new name it is the “Wisconsin Nursing Center”. A copy of their bi-laws will be sent to Colleen Baird, Legal Counsel, for her review and she will provide feedback at the next meeting.

## **REPORT OF EDUCATION AND LICENSURE COMMITTEE**

Marilyn Kaufmann reported the Education and Licensure Committee met and reviewed five courses submitted by Northland College for approval. The Committee made the following recommendation.

**MOTION:** Terrie Garcia moved, seconded by Peggy Heine, to approve the five courses for Northland College RN to BSN Program. Motion carried unanimously.

### **Board's Action**

**MOTION:** Kathleen Sullivan moved, seconded by Blaine Ropson, to approve the recommendations made by the Education and Licensure Committee regarding approval of the five courses for Northland College RN to BSN Program. Motion carried unanimously.

## **REPORT OF PRACTICE COMMITTEE**

Blaine Ropson reported that the Practice committee reviewed the new position paper titled “Options for Licensure Status” at today’s meeting. The Committee made some revisions and Colleen Baird, Legal Counsel, will make the indicated revisions. Once finalized it will be posted on the DRL Website and distributed by Credentialing. The following is the recommendation made by the Committee.

**MOTION:** June Bahr moved, seconded by Jacqueline Johnsrud, to approve the position paper as amended and to send out once the changes have been made. Motion carried unanimously.

### **Board's Action**

**MOTION:** June Bahr moved, seconded by Marilyn Kaufmann, to approve the recommendations made by the Practice Committee regarding the approval of the position paper “Options for Licensure Status”. Motion carried unanimously.

**CONSULT WITH LEGAL COUNSEL**

The Board consulted with Colleen Baird, Legal Counsel, throughout today's meeting as needed. The Board reaffirmed that at the last Board meeting they approved the preparation of a scope statement regarding FBI background checks. Kimberly Nania, Division Administrator of Board Services will present this scope statement at the December 2005 Board meeting.

**VISITOR COMMENTS**

Noted.

**CONVENE TO CLOSED SESSION**

**MOTION:** June Bahr moved, seconded by Kathleen Sullivan, to adjourn to closed session pursuant to Wisconsin State statutes 29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Motion carried by roll call vote: Marilyn Kaufmann-yes, Blaine Ropson-yes, Terrie Garcia-yes, Gretchen Lowe-yes; Margaret Wood-yes, June Bahr-yes, Jacqueline Johnsrud-yes, Kathleen Sullivan-yes.

Open Session recessed at 10:00 a.m.

**RECONVENE INTO OPEN SESSION**

**MOTION:** Blaine Ropson moved, seconded by Kathleen Sullivan, to reconvene into open session at 1:04 p.m. Motion carried unanimously.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Gretchen Lowe moved, seconded by Margaret Wood, to withdraw the motion regarding case number 05 NUR 116. Motion carried unanimously.

**MOTION:** Blaine Ropson moved, seconded by June Bahr, to approve all decisions made in closed session. Motion carried unanimously.

**IMPAIRED PROFESSIONALS PROGRAM (IPP)**

None.

**LPN APPLICATION AND EVALUATION OF EDUCATION**

**LYNN MYERS**

**MOTION:** Marilyn Kaufmann moved, seconded by Blaine Ropson, to accept the LPN application information submitted by Lynn Myers and to allow her to sit for the LPN exam. Motion carried unanimously.

**MONITORING**

The Board consulted with the Department Monitor on two cases at today's meeting regarding Mary Sullivan and Diana Fehrenbach. The Board then took the following actions.

**MARY SULLIVAN**

**MOTION:** Marilyn Kaufmann moved, seconded by Peggy Heine, to grant the stay of suspension of Mary Sullivan effective to the date of her Final Decision and Order based upon consultation with the Department Monitor and evidence showing that Ms. Sullivan has been in substantial compliance with her order. Motion carried unanimously.

**DIANA FEHRENBACH**

**MOTION:** Marilyn Kaufmann moved, seconded by Peggy Heine, to grant the stay of suspension of Diana Fehrenbach effective to the date of her Final Decision and Order based upon consultation with the Department Monitor and evidence showing that Ms. Fehrenbach has been in substantial compliance with her order. Motion carried unanimously.

**REQUESTS FOR FULL REINSTATEMENT OF LICENSURE**

**AMY GOSTONCZIK**

**MOTION:** Marilyn Kaufmann moved, seconded by Terrie Garcia, to grant full licensure to Amy Gostonczik. Motion carried unanimously.

**DEBORAH MARTIN (CRAVILION)**

**MOTION:** Marilyn Kaufmann moved, seconded by Peggy Heine, to grant full licensure to Deborah Martin (Cravilion). Motion carried unanimously.

**REQUESTS FOR THREE MONTH STAYS AND MODIFICATIONS**

**MARY BETH KRAMER**

**MOTION:** Blaine Ropson moved, seconded by Terrie Garcia, to grant a three-month stay to Mary Beth Kramer with the modification to reduce urine screens to twenty-eight per year. Motion carried unanimously.

**ROBBIN SWIGGUM**

**MOTION:** Marilyn Kaufmann moved, seconded by Blaine Ropson, to grant a three-month stay to Robbin Swiggum and deny her request for full licensure. The modification request to reduce therapy to one time per month is granted but the modification to reduce urine screens is denied. Reason for Denial: Ms. Swiggum has not been on her Board Order for a period of one year. Motion carried unanimously.

**REQUESTS FOR REVIEW OF DOCUMENTS**

**REBECCA THOMAS**

**MOTION:** Terrie Garcia moved, seconded by Marilyn Kaufmann, to grant a three-month stay to Rebecca Thomas contingent on her signing up with First Lab and for her to maintain compliance with her Board order. Motion carried unanimously.

**DELIBERATION OF MONITORING RECEIVED AFTER MAILING OF AGENDA**

**MARGARET CRAIN**

**MOTION:** Marilyn Kaufmann moved, seconded by Peggy Heine, to grant full licensure to Margaret Crain. Motion carried unanimously.

**DENISE GAUDET**

**MOTION:** Marilyn Kaufmann moved, seconded by Peggy Heine, to grant full licensure to Denise Gaudet. Motion carried unanimously.

**MARY KUCABA**

**MOTION:** Marilyn Kaufmann moved, seconded by Blaine Ropson, to grant

a limited license to Mary Kucaba with the requirements for the submission of quarterly satisfactory work reports and no home health care for two years. Motion carried unanimously.

**ELLEN LALUZERNE**

**MOTION:** Marilyn Kaufmann moved, seconded by Blaine Ropson, to grant a three-month stay to Ellen Laluzerne with the modification to grant her access to controlled substances. Abstained – Gretchen Lowe. Motion carried.

**KRISTINE KOHLMANN**

**MOTION:** Marilyn Kaufmann moved, seconded by Peggy Heine, to grant a stay of suspension to Kristine Kohlmann. Motion carried unanimously.

**DEANNA MATIS**

**MOTION:** Marilyn Kaufmann moved, seconded by Peggy Heine, to grant reinstatement of a stay of suspension to Deanna Matis. Motion carried unanimously.

**STIPULATIONS**

**DONNA KUBICKI, RN**

**MOTION:** Marilyn Kaufmann moved, seconded by Peggy Heine, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Donna Kubicki, RN. Motion carried unanimously.

**EDITA D. TUBONGANUA, RN**

**MOTION:** Blaine Ropson moved, seconded by Kathleen Sullivan, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Edita D. Tubonganua, RN. Motion carried unanimously.

**MARY E. WROBEL, RN**

**MOTION:** Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Mary E. Wrobel, RN. Motion carried unanimously.



**RITA M. ZANI, RN**

**MOTION:** Kathleen Sullivan moved, seconded by Blaine Ropson, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Rita M. Zani, RN. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS RECEIVED AFTER MAILING OF AGENDA**

**KIM NIKLASCH**

**MOTION:** June Bahr moved, seconded by Kathleen Sullivan, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Kim Niklasch, LPN. Motion carried unanimously.

**JILL DAWSON**

**MOTION:** Marilyn Kaufmann moved, seconded by June Bahr, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Jill Dawson, RN. Motion carried unanimously.

**ANDREW DINKINS**

**MOTION:** June Bahr moved, seconded by Kathleen Sullivan, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Andrew Dinkins, LPN. Motion carried unanimously.

**TERRY HENSEL**

**MOTION:** Kathleen Sullivan moved, seconded by Peggy Heine, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Terry Hensel, RN. Motion carried unanimously.

**ALICE RUTH KAPANKE**

**MOTION:** Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Alice Ruth Kapanke, RN. Abstained - Jacqueline Johnsrud. Motion carried.

**DELIBERATION OF ADMINISTRATIVE WARNINGS RECEIVED AFTER MAILING OF AGENDA**

None.

**DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS IN THE MATTER  
OF DISCIPLINARY PROCEEDINGS RECEIVED AFTER THE MAILING OF THE AGENDA**

None.

**DELIBERATION OF ORDER FIXING COSTS THAT MAY BE RECEIVED AFTER THE  
MAILING OF THE AGENDA**

None.

**DELIBERATION OF PETITIONS FOR REHEARINGS THAT MAY BE SIGNED AFTER  
MAILING OF AGENDA**

None.

**DIVISION OF ENFORCEMENT & CASE STATUS REPORT**

**MOTION:** June Bahr moved, seconded by Marilyn Kaufmann, to close case 04 NUR 300 for no violation. Motion carried unanimously.

**MOTION:** Marilyn Kaufmann moved, seconded by Blaine Ropson, to close case 04 NUR 080 for compliance gained. Motion carried unanimously.

**MOTION:** Blaine Ropson moved, seconded by Gretchen Lowe, to close case 05 NUR 116 for prosecutorial discretion. Roll Vote: Yes-6, Opposed- 3 Motion carried.

***(Special Notation: See the withdrawal motion regarding this case under the heading titled "Voting on Items Considered or Deliberated on in Closed Session")***

**MOTION:** June Bahr moved, seconded by Kathleen Sullivan, to close case 05 NUR 186 for insufficient evidence. Motion carried unanimously.

**MOTION:** June Bahr moved, seconded by Peggy Heine, to not close case 04 NUR 094 and refer case back for further investigation. Motion carried unanimously.

**MOTION:** Blaine Ropson moved, seconded by Peggy Heine, to close case 05 NUR 115 for no violation. Motion carried unanimously.

**OTHER BOARD BUSINESS**

The Board requested that a plaque for the recognition of service on the Board of Nursing for former Board members Linda Sanner and Marie Kohlbeck be given to these individuals. Kimberly Nania will follow up on this request for the Board.

**ADJOURNMENT**

**MOTION:** Terrie Garcia moved, seconded by June Bahr, to adjourn the meeting at 1:14 p.m. Motion carried unanimously.